



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/804,888 | 03/13/2001 | Larkin Hill Lowrey | 12170-005001 | 1339 |
| 7590 12/28/2004 | | | | |
| Eric L. Prahl HALE AND DORR, LLP 60 State Street Boston, MA 02109 | | | | |
| EXAMINER BROADHEAD, BRIAN J | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3661 | | | | |

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/804,888 | LOWREY ET AL. | |
| | Examiner | Art Unit | |
| | Brian J. Broadhead | 3661 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 13 September 2004.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-3, 7-16, 20-22 and 27-36 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-3, 7-16, 20-22 and 27-36 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 13 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 1-3, 7-16, 20-22, and 27-36 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The definition of a "terrestrial GPS system" which critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). The conventional definition of a GPS system is a satellite based navigation system that is available for positioning regardless of where on the surface of the earth you are located. It is not understood how a terrestrial based location system would operate or be a global positioning system since it would not be available at all locations on the surface of the earth like in the middle of the Pacific ocean.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-3, 7-16, 20-22, and 27-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lange et al. 6295492, in view of Shetty et al., 5808907.
3. As per claims 1, 2, 7 and 20, 31, 32, 33, 34, Lang et al. disclose generating a data packet from the vehicle using a wireless appliance, the data packet containing

location based data derived from a terrestrial location system on line 40, on column 3, through line 41, on column 4; transmitting the data packet over an air link with the wireless appliance so that the data packet passes through a network and to a host computer system on lines 30-33, on column 3; processing the data packet with the host computer system to generate numerical diagnostic data on lines 35-40, on column 3; and displaying the numerical diagnostic data on a web site hosed on the internet, the web site comprising a series of pages corresponding to individual vehicles and a series of pages corresponding to a group of vehicles on lines 60-65, on column 4; having multiple vehicles transmitting data packets on lines 9-10, on column 3; extracting numerical data from the data packet on lines 11-15, on column 3; the processing step further includes generating a set of data that comprises an alphanumeric text message on lines 35-40, on column 3; generating and displaying a set of data that comprises an alphanumeric text message in figure 2; and the vehicle parameter is a trouble code and the text message describes the active or pending diagnostic trouble code on lines 25-30, on column 3; the web site implementing a first web interface having a first login and dedicated to presenting information about said vehicle, and a second web interface having a second login and presenting information about a group of vehicle including said vehicle on lines 38-45, on column 2. Lange et al. do not disclose the step of sending an electronic mail message that comprises all or part of the alphanumeric text and with the host computer comparing the data to at least one data value to generate diagnostic data or location information. Shetty et al. teaches of sending an electronic mail message that comprises all or part of the alphanumeric text on lines 33-50, on

column 2; and with the host computer comparing the data to at least one data value to generate diagnostic data or location information on lines 28-37, on column 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the email and alerts of Shetty et al. in the invention of Lange et al. because such modification would provide a warning manager that provide a method for providing information relating to a mobile machine.

4. As per claims 3 and 22, Lang et al. disclose wherein the transmitted data contains one or more vehicle parameters and wherein the processing step further includes processing at least one of the vehicle parameters with a database software on lines 39-41, on column 4.

5. As per claim 8, Lange et al. disclose the alphanumeric text message comprises a 5, 6, or 7 digit code that describes the active or pending diagnostic trouble code on lines 15-17, on column 3. OBD II is a standard based on 5 digit codes.

6. As per claim 9, Lange et al. disclose the numerical data generated by the vehicle is from a sensor in the vehicle on lines 25-30, on column 3.

7. As per claim 10, Lange et al. disclose the numerical data is vehicle speed in figure 2.

8. As per claim 11, Lange et al. disclose the processing step further comprises processing at least one numerical parameter with a mathematical equation on lines 37-41, on column 2.

9. As per claims 12, 13, 14, and 15, Lange et al. disclose the processing step further comprises comparing and displaying at least one numerical parameter with at

least one numerical parameter generated at an earlier point in time on line 2, on column 3.

10. As per claim 16, Lange et al. disclose the numerical value is a mileage value, the alphanumeric text message includes one parameter from the numerical data, and displaying the alphanumeric text message on the web page in figure 2.

11. As per claim 21, Lange et al. disclose extracting numerical data from the first and second data in figure 2.

12. As per claims 27 and 28, Lange et al. disclose the web site comprises a login page and fields for entering a multiple user name and password on line 17, on column 4.

13. As per claims 29 and 30, Lange et al. disclose the first user corresponds to a vehicle owner and a second user name corresponds to a corporation with a fleet of vehicles on line 5, on column 3.

Response to Arguments

14. Applicant's arguments filed 9-13-04 have been fully considered but they are not persuasive. The addition of the limitation of a "terrestrial GPS system" does not overcome the prior art because it is not clear what is being claimed. Even when the limitation is clarified it will not overcome the prior art since Lange et al. disclose using any physical location detection means on line 40, on column 3. This would include all known location systems and at the very least any location system would be an obvious modification to one of ordinary skill in the art.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 703-308-9033. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

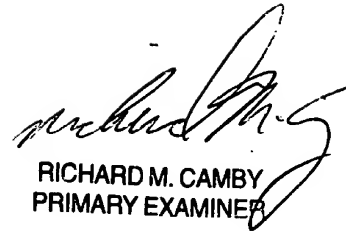
Application/Control Number: 09/804,888
Art Unit: 3661

Page 7



BJB

December 21, 2004



12/22/04

RICHARD M. CAMBY
PRIMARY EXAMINER